

A regular meeting was held by the Town Board of the Town Ballston on Tuesday evening, September 8, 2015 at the Town Hall on 323 Charlton Road, Ballston Spa, New York.

PRESENT:

Patrick Ziegler	-----	Supervisor
Timothy Szczepaniak	-----	Councilman
William Goslin	-----	Councilman
Kelly Stewart	-----	Councilwoman
Carol Shemo	-----	Clerk
James Walsh	-----	Counsel

ABSENT:

John Antoski	-----	Councilman
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Supervisor Ziegler called the meeting to order at 6:35 p.m. and the Pledge of Allegiance was recited.

PRESENTATION ON WATER CONSOLIDATION

Attorney William Ryan and Town Engineer Kathryn Serra gave the Town Board an update on the Water Consolidation Project. At the August 25th meeting, the Board received the draft map, plan and report for consolidation of Water District 2 and its ten extensions. Attorney Ryan reviewed two points with the Board. The first point was the need for the Board to establish the tax rate. The second point was the need to set up a surplus account for any capital improvements in respect to infrastructure. Ms. Serra proposed the tax rate of .56 per thousand dollars of assessed value of the property. This tax rate would cover the costs of the consolidation as well as have a surplus account to do capital improvements. The Board could consider a lower tax rate option, but that would just cover debt repayment.

Attorney Ryan reported that previously, under 12A of the General Municipal Law, a property description was required for a new district. Now under Article 17A of the General Municipal Law, although not required, Attorney Ryan recommended property descriptions of the new consolidated district so that there would be one big description instead of 11 separate descriptions.

After the Board sets the rate, the Board, at the next Town Board Meeting on September 29th, will consider the resolution to authorize the Supervisor to endorse the Joint Consolidation Agreement. Five days after the approval of the resolution, the Town Clerk will publish the resolution and the summary of the Joint Consolidation Agreement in the Town's official newspaper. The resolution and summary will be posted on the Bulletin Board and the Town website for 4 succeeding weeks. Then the Town Board will hold a public hearing on the Water Consolidation of District 2 and its ten extensions. Attorney Ryan is looking for the process to be completed in January 2016.

Councilwoman Stewart asked how long will it take for the meets and bounds to be completed and the cost?

Ms. Serra contacted a surveyor and the cost will be between \$4,000 and \$4,500 and it will be possible to do it in needed timeframe. In reviewing the report, Ms. Serra noted that most districts will show a very small change. The Goode Street Water District, Mourningkill Meadows Water District and Timber Creek and Stonebridge Water District will have an increase in the tax rate. The Blue Barns Road extension will have a significant decrease in the tax rate.

Councilman Goslin asked how the Town will deal with water customers outside the Town of Ballston. For example, the Blue Barns Road Water District is composed of users from The Town of Ballston and the Town of Clifton Park.

Councilwoman Stewart asked what will happen with the language restrictions that were stated in the water districts resolutions.

Attorney Ryan answered that he will research the Intermunicipal Agreement with the Town of Clifton Park to answer the question on outside users. He will also research the language restrictions that pertain to certain extensions and advise the Board.

Councilwoman Stewart asked if there was a way to equalize the debt for the tax rate for Goode Street. The water customers on Goode Street had to pay \$9100 for their connection fee which is significantly above the cost of the connection fees for the other water extensions. She also asked if there is a new subdivision will they be added to the water consolidation.

Town Engineer Serra said that she would review the taxing rate for Water District 2 and the ten extensions.

Attorney Ryan stated that the Joint Consolidation Agreement includes the language that all currently unserved areas in the Town are in the consolidation district. He added that the Board should reconvene annually to determine the rate.

Water Superintendent Whalen suggested the Board look at combining the two debts for the Water Tower and the Pump station to secure a better interest rate. He stated that when the water tower was repainted, the pipe was in need of repair but the Board decided against fixing it at that time. He suggests repairing the pipe in the spring or late fall when the water usage is low.

Councilman Goslin said we need to give the information to our bond attorney to redo the bond that will be due in November.

Supervisor Ziegler summarized the discussion by stating that the Board will decide the tax rate for the consolidation and adopt the Joint Consolidation Resolution at the September 29th meeting.

CORRESPONDENCE

The Town Clerk reported that there were two letters received for the month of August. One letter was in opposition to the approval of Walmart by the Planning Board and the other letter proposed a moratorium on commercial development.

REPORTS OF TOWN OFFICIALS

Building Inspector Thomas Johnson, Highway/Water Superintendent Joseph Whalen, Library Board of Trustee Member Susan Slovic, Dog Control Officer Thomas Shambo, and Town Clerk Carol Shemo submitted reports for August and they are on file in the Town Clerk's Office.

THE TOWN OF BALLSTON LOCAL EMERGENCY COMMITTEE

Dennis Pokrzywka, co-chairman of the Town of Ballston Local Emergency Committee, reported that he had a productive meeting with the Library Director concerning the library as an emergency command post. He said this is Emergency Preparedness Month and showed the free Emergency Preparedness Kits that are available for residents along with two hours of community emergency training. The committee is willing and ready to work; he said they need support and funding from the county level.

RESOLUTION 15-125

APPROVE THE SUPERVISOR'S FINANCIAL REPORT FOR THE MONTH OF AUGUST 2015.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to approve the Supervisor's Financial Report for the month of August.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

SUPERVISOR'S REPORT

Supervisor Ziegler reported the following:

1. The Saratoga County Sales Tax is 7% over 2014 sales tax. We projected 3% and are hopeful we can rebuild our fund balance.
2. Mortgage Tax will be about \$400,000 for the year.
3. He wanted to thank all the members of the Planning Board for all their hard work on the Rossi PUDD. They did a lot of work on this project and the Town appreciates their efforts.

COUNCIL MEMBERS REPORTS

Councilman Szczepaniak noted the award the Town of Ballston received from Realty Check for their anti-tobacco campaign for Jenkins Park. He said it was a great experience for the young members to present before the Jenkins Park Board and the Town Board.

Councilwoman Stewart will be bringing the Board a proposal for Reita Street Park to update some of the equipment. She will first discuss this with Highway Superintendent Whalen.

Councilman Goslin reported the following:

1. Platinum Information Technology Solutions, Inc., the business that maintains our computer system, informed him that we need to replace our firewall at a cost of \$850. This firewall helps to control viruses and aids those who need remote access to our computers.
2. He was contacted by residents on Randall Road who need to receive cable service. It appears the cable company bypassed this road. The internet is needed for their school age children. Councilman Goslin has been in contact with the cable company for these residents.

OLD BUSINESS

1. Bike Path Extension

Town Attorney Walsh did not have an update at this time.

2. Ballston Lake Sewer District

Councilman Goslin reported that Clifton Park held their public hearing and established the date, time and location of their polling place.

Town Attorney Walsh said we need to work on the Intermunicipal Agreement with Clifton Park. Councilman Goslin had discussions with the Clifton Park Town Supervisor and Town Attorney from Clifton Park concerning the Intermunicipal Agreement and how the cost is established and distributed between the towns. He believes that the best solution for this sewer district is with the original premise on how the district was formed that it is a single project with a closed loop.

3. Zoning Changes Update

Supervisor Ziegler spoke with Attorney for Zoning and Planning Peter Reilly concerning finalizing the language. Mr. Reilly needed clarification on some items and will contact Planner Nan Stolzenburg. After the language is finalized, we will be able to set a public hearing on Local Law 5 of 2015.

Councilwoman Stewart asked if the committee will continue their work.

Supervisor Ziegler responded that it was not a committee but a working group with the purpose of providing changes that would give consistency to the Planning Board and Zoning Board of Appeals.

Councilman Goslin said there is a void in the zoning since the GEIS is not done. Also, the Comprehensive Plan had a backlog of issues that were never addressed. In considering the Town zoning, he said the Town needs to determine where we are, not the developers.

4. Connolly Road Reciprocal Agreement

Town Attorney Walsh said the work on this agreement is almost completed.

5. Hawkwood Property

Town Attorney Walsh has not seen the change he requested to be put in the document concerning campfires for small groups.

DISCUSSION ON MORATORIUM

The purpose of the moratorium is to investigate our density in the Ballston Lake Residential Area. The Board is considering the language of the moratorium.

Councilwoman Stewart said she discussed the language with Building Inspector Johnson. The Board needed to provide a good definition of high density.

Supervisor Ziegler proposed a moratorium on major subdivisions.

Town Attorney Walsh stated that in the Comprehensive Plan it refers to retaining our rural character. The GEIS needs to be looked at and the Comprehensive Plan needs to be updated every 5 to 10 years. The way things have developed on the east side of the Town is not consistent with the Comprehensive Plan. The Board needs breathing room to address the issues there.

Councilman Szczepaniak agreed the Board needs to implement the moratorium to set a clear direction. We have 1,000 units approved with 2.4 persons per unit. The Board needs to address this increase in the Town's population. We need a team with good leadership to move the work forward and address these issues.

Supervisor Ziegler stated that the Comprehensive Plan calls for this TND type of density in the Ballston Residential District. He is concerned that residential development is far outpacing commercial development.

Building Inspector Johnson suggested a moratorium on major subdivisions that are non-conventional subdivisions depending on the district it is in. The different types of subdivisions are: conventional subdivision has the lot size determined by the zoning district; conservational subdivision has the same number of lots but are reduced down to a cluster and high density subdivisions are TND.

Ms. Pott, Chairperson of the Farmland Protection and Preservation Committee, was asked for her views on the moratorium. She said that 50% of the acreage in the Town of Ballston is developed or developable and 50% is in the Ag District. If you put water or sewer in an Ag District, the Ag District is done. If you develop land around a farm you will create a situation where there is nowhere for the farmer to go. It is not like he is a developer and can move to another area to develop. The prior Board missed the mark of the public benefit; they didn't understand the increased density with the TND. The process of the Comprehensive Plan was never finished and the zoning was never completed. We need this moratorium so we can finish this work.

Highway/Water Superintendent Whalen said we need to address growth in the Town. Both the water and sewer department are stressed trying to maintain what we have. With the moratorium, we have time to figure out the planning and zoning and how to maintain the growth.

Councilwoman Stewart said after the last moratorium the Town got pounded with growth. Everything went forward and she wondered what was accomplished by the moratorium. If we are not going to drastically change zoning, what is the reason for the moratorium.

Supervisor Ziegler replied that we do not know what we will change but we need time to work on the growth and address the high density areas. Since we are not ready to consider Resolutions 134,135 and 136, we will table them for this evening. We will approve the final moratorium language and be ready to adopt the resolutions on the moratorium that were tabled this evening. These items will be considered at the September 29th Agenda Meeting.

PRIVILEGE OF THE FLOOR

Mr. Miller said it is budget time and the Town Board should receive an increase in their pay. The Board should hire additional help to help with their workload. He recommends doing the moratorium and working on the Master Plan. He would like to keep the Town rural. The Eastside of Town was overdeveloped by the TND and nothing was developed on the Westside of Town. The Town needs a Master Plan to fund the trail system. We have been waiting for two years for extension of the bike path. *Mr. Miller* said community planning should have been developed with walking paths from the developments to the bike path. He is working with the BLIA on the land conservation map and will bring that to the Board.

Mr. Brooks thanked the Board for considering the dedication of the roadways, water and storm sewer within the Timber Creek Preserve Phase II. He thanked Kathryn, Joe, Tom and Deb for all their work; they are all quality individuals who do a great job.

NEW BUSINESS FOR CONSIDERATION AND ACTION

RESOLUTION 15-126

REAPPOINT JASON BIKOWICZ TO THE BOARD OF ASSESSMENT REVIEW

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to reappoint Jason Bikowicz to the Board of Assessment Review for a term commencing October 1, 2015 and ending September 30, 2020.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin,
and Councilwoman Stewart
Nays 0

RESOLUTION 15-127

AMEND RESOLUTION 15-002 NAMING PATRICK ZIEGLER AS THE BUDGET OFFICER FOR 2015.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to amend Resolution 15-002 naming Patrick Ziegler as Budget Office for 2015.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin,
and Councilwoman Stewart
Nays 0

RESOLUTION 15-128

ABOLISH THE SENIOR LIBRARY CLERK POSITION AT THE TOWN OF BALLSTON COMMUNITY LIBRARY

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to abolish the Senior Library Clerk Position at the Town of Ballston Community Library

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin,
and Councilwoman Stewart
Nays 0

RESOLUTION 15-129

ABOLISH THE YOUTH SERVICES LIBRARIAN POSITION AT THE TOWN OF BALLSTON COMMUNITY LIBRARY.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to abolish the Youth Services Librarian Position at the Town of Ballston Community Library.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin,
and Councilwoman Stewart
Nays 0

RESOLUTION 15-130

ABOLISH THE HALF-TIME ADULT SERVICES LIBRARIAN I POSITION AT THE TOWN OF BALLSTON COMMUNITY LIBRARY.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to abolish the half-time Adult Services Librarian I Position at the Town of Ballston Community Library. The Board gives Library Director DeAngelo the authority to hire this employee when the Librarian II position is hired.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-131

CREATE A LIBRARIAN II HEAD OF CIRCULATION AND ADULT SERVICES POSITION AT A SALARY OF \$45,000 PER YEAR.

A motion was made by Councilwoman Stewart and seconded by Councilman Szczepaniak to create a Librarian II Head of Circulation and Adult Services Position at a salary of \$45,000 per year.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-132

CREATE A LIBRARIAN II HEAD OF YOUTH SERVICES POSITION AT AN ANNUAL SALARY OF \$45,000 PER YEAR.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to create a Librarian II Head of Youth Services Position at an annual salary of \$45,000 per year.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-133

APPOINT REBECCA DARLING TO THE LIBRARIAN II HEAD OF YOUTH SERVICES POSITION.

A motion was made by Councilman Szczepaniak and seconded by Councilwoman Stewart to appoint Rebecca Darling to the Librarian II Head of Youth Services Position, Effective July 29, 2015 at her annual salary of \$45,000 plus her longevity raise for a salary of \$45,900.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-134

TABLE RESOLUTIONS: 15-134, 15-135, AND 15-136 CONCERNING LOCAL LAW 3 OF 2015, MORATORIUM

A motion was made by Councilman Szczepaniak and seconded by Councilman Goslin to table Resolutions: 15-134, 15-135 and 15-136 concerning Local Law 3 of 2015, Moratorium to be considered at the September 29, 2015 Agenda Meeting.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-137

NAME THE TOWN BOARD AS LEAD AGENCY FOR LOCAL LAW 4 OF 2015, ZONING AMENDMENT FOR BUSINESS DISTRICT 2. THIS IS PENDING THE THIRTY DAY COORDINATED REVIEW PROCESS.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to name the Town Board as Lead Agency for Local Law 4 of 2015, Zoning Amendment for Business District 2. This is pending the thirty day coordinated review process.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-138

CLASSIFY LOCAL LAW 4 OF 2015, ZONING AMENDMENT FOR BUSINESS DISTRICT 2, AS A TYPE 1 SEQRA ACTION.

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to classify Local Law 4 of 2015, Zoning Amendment for Business District 2, as a Type 1 SEQRA Action.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-139

SET A PUBLIC HEARING FOR LOCAL LAW 4 OF 2015, ZONING AMENDMENT FOR BUSINESS DISTRICT 2, FOR OCTOBER 13, 2015 AT 6:20 P.M.

A motion was made by Councilman Goslin and seconded by Councilman Szczepaniak to set a public hearing for Local Law 4 of 2015, Zoning Amendment for Business District 2, for October 13, 2015 at 6:20 p.m.

ADOPTED Ayes 4 Supervisor Ziegler, Councilman Szczepaniak, Councilman Goslin, and Councilwoman Stewart

Nays 0

RESOLUTION 15-140

DESIGNATE THE DATE, TIME AND THE POLLING PLACE FOR A SPECIAL ELECTION TO VOTE ON A PROPOSITION CONCERNING THE CREATION OF THE BALLSTON LAKE SEWR DISTRICT

A motion was made by Councilman Goslin

Seconded by Councilman Szczepaniak

WHEREAS, studies conducted on Ballston Lake over the past 24 years have demonstrated a marked increase in pollutants resulting from on-site wastewater treatment and stormwater; and

WHEREAS, the area surrounding Ballston Lake is located within the Towns of Clifton Park and Ballston, and is within the current boundaries of the Saratoga County Sewer District #1 (SCSD #1); and

WHEREAS, the Town of Ballston (hereinafter, the "Town") has coordinated with the Town of Clifton Park and has received its support for a sewer collection system to serve properties within the Town; and

WHEREAS, the Town of Ballston has conducted significant public outreach from August 2014 to the present including numerous public presentations and door-to-door inquiry regarding public support for a sewer system within both towns, the result of which was nearly 90% in support for a sewer system; and

WHEREAS, the Town of Ballston has requested and received positive consideration from SCSD #1 in terms of treatment of the wastewater collected in the proposed Ballston Lake Sewer System as well as operation and maintenance of the infrastructure of the proposed sewer system which will be constructed and owned by the Town until the debt service for the system is discharged; and

WHEREAS, at a special meeting of the Town Board held on July 9, 2015, the Town of Ballston accepted a Map, Plan and Report prepared by an Engineer licensed in the State of New York describing the boundaries of the proposed Ballston Lake Sewer District (hereinafter "District" or "Proposed District"), a general plan of improvement and description of facilities including construction of a sewer collection and conveyance system that will connect to the SCSD #1 Interceptor Sewer in the vicinity of Shenentaha Park that directs wastewater to the SCSD #1 wastewater treatment plant, the maximum amount to be expended, regulatory review requirements, the cost of hook-up fees if any, the cost to the typical property, and method of financing the project, and a statement of benefit assessment; and

WHEREAS, the Town has made the Map, Plan and Report available for public inspection at the Office of the Town Clerk in Ballston Town Hall during regular Town Hall

business hours and posted the Map, Plan and Report on <http://www.ballstonsewers.org/?pageid=44>.

WHEREAS, the Town Board held a Public Hearing on July 23, 2015 at Ballston Town Hall, 323 Charlton Road, Ballston Spa, New York in order to receive public comment on the proposed sewer system; and

WHEREAS, notice of the Public Hearing was provided to residents in accordance with New York State Law; and

WHEREAS, the Town Board evaluated, considered and discussed the comments made by residents at the Public Hearing; and

WHEREAS, the Town Board adopted a resolution at its meeting of August 11, 2015 identifying its findings with respect to the proposed Ballston Lake Sewer District (“Proposed District”) as follows: (i) that the Notice of Public Hearing was published and posted as required by law, and was otherwise sufficient; (ii) that all of the properties and property owners within the Proposed District are benefitted thereby; (iii) that all of the properties and property owners benefitted by the proposed sewer collection system are included within the limits of the Proposed District; and (iv) the establishment of the Proposed District is in the public interest; and

WHEREAS, based on its findings, the Town Board approved the establishment of the Proposed District as the boundaries shall be finally determined and approved the construction of the sewer collection system within the District as set forth in the Map, Plan and Report approved by the Town Board on July 9, 2015, subject to the approval of the same by the Office of the New York State Comptroller and also subject to referendum of eligible voters; and

WHEREAS, the Town Board, upon its own motion, submitted to eligible voters a proposition to be voted on at a special election as follows: Shall Town Board Resolution 15-114, unanimously approved by the Town of Ballston Town Board on August 11, 2015, authorizing the creation of the Ballston Lake Sewer District which encompasses a sewer collection system in the Towns of Ballston and Clifton Park in accordance with a Map, Plan and Report approved by the Town Board on July 9, 2015, with properties benefitted by the system generally located around Ballston Lake as well as the Buell Heights neighborhood and the Main Street area of Ballston Lake, at an estimated and maximum cost of \$10,203,729.00, and which project is to be financed through the issuance of a bond by the Town of Ballston to secure a 30-year leveraged loan from the New York State Clean Water State Revolving Fund, with properties to be assessed costs on a benefit basis and with the estimated cost of the district to the typical property, a single family home, being \$907.00 per year, and which sewer district is further subject to the review and approval of the Office of the New York State Comptroller, be approved?; and

WHEREAS, the Town Board established October 14, 2015 as the date for the special election; and

WHEREAS, Town Law § 82 requires the Town Board to adopt a resolution at least twenty days before every special town election designating the hours of opening and closing the polls and the place or places of holding the election, and setting forth in full all propositions to be voted upon; and

NOW THEREFORE BE IT RESOLVED THAT:

1. With respect to the special election to be held on October 14, 2015, the polls shall open at noon for the purpose of receiving ballots and close at 8:00 p.m.
2. The polling place at such election shall be Ballston Town Hall located at 323 Charlton Rd, Ballston Spa, New York.
3. The sole proposition to be voted upon at the special election shall be as follows:

A motion was made by Councilman Goslin and seconded by Councilwoman Stewart to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Carol R. Shemo
Town Clerk